

<b>TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER PRIOR PATENTS</b>		Docket Number: 02936354
<p>In re Application of: Jeffrey O. PHILLIPS</p> <p>Application No.: 10/054,350</p> <p>Filed: January 19, 2002</p> <p>For: SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND COMPOSITION OF USING SAME</p> <p style="text-align: right;">#12</p>		
<p>The owner, The Curators of the University of Missouri, of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C 154 and 173, as presently shortened by any terminal disclaimer of prior Patent Numbers 5,840,737 and 6,489,346 as well as co-pending patent applications 09/901,942 and 10/260,132. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p>		
<p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p>		
<p>Check either box 1 or 2 below, if appropriate:</p>		
<p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>		
<p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p>		
<p>09/10/2003 521 THONY 00000006 130019 10054350    Sale Ref: 0000006 DAH: 130019 10054350    01 FC:1814 Please charge the disclaimer fee of \$110.00 under 37 CFR 1.20(d) to Deposit Account No. 13-0019.</p>		
<p>    Signature</p>		
<p>Date: September 8, 2003</p>		
<p>Joseph A. Mahoney, Reg. No. 38,956</p>		
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